

BOARD OF SUPERVISORS

MINUTES

August 25, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

School Board Members Present:

Dr. James Schroeder, Chairman
Mr. Tom Doland

Staff in Attendance:

Lt. Col. James Bourque,
Police Department
Dr. Billy Cannaday, Jr.,
Supt., School Board
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Mr. Roy Covington, Asst.
Dir., Utilities
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Joseph Horbal,
Commissioner of Revenue
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Rich Leonard, Chief of
Administrative Services,
Environmental Engineering
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Mr. R. John McCracken,
Dir., Transportation
Mr. Steven L. Micas,
County Attorney
Dr. John Morgan, Strategic
Mgr., Mental Health/Mental
Retardation/Substance Abuse
Mr. F. O. Parks, Dir.,
Information Systems Tech.

Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program
Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Kirkland A. Turner,
Director of Planning

Mr. Miller called the regularly scheduled meeting to order at 3:07 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. Warren, seconded by Mr. King, the Board approved the minutes of July 28, 2004 and August 11, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.B. DISABILITY SERVICES BOARD PRESENTATION

Ms. Alice Magee, Chairman of the Disability Services Board (DSB) provided an update on the DSB's activities for FY2003-2004. She then provided details for tentative plans of the DSB for FY2004-2005. She thanked the Board for their support and extended an invitation to the ADA (Americans with Disability Act) Awareness Month program.

2.A. GOVERNMENT FINANCE OFFICERS ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR THE ACCOUNTING DEPARTMENT

Mr. Ramsey stated that for the 23rd consecutive year, the Accounting Department has received the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting. He recognized Ms. Lyle and members of her staff who were present at the meeting and commended them on this tremendous achievement.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Barber, seconded by Mr. King, the Board replaced Item 5.A., Resolution Recognizing Reservists for

their Contributions to the War Against Global Terrorism; added Item 8.B.2.c., Resolution Clarifying that Members of the County's Auxiliary Police Force are Considered to be County Employees for Purposes of the Worker's Compensation Act; replaced Item 8.B.6., Authorize the County Administrator to Renew a Health Care Contract with Anthem and a Dental Care Contract with United Concordia Companies, Incorporated for 2005; added Item 14.A.1., Resolution Recognizing the Outstanding Contributions of Mark and Linda Fausz; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING RESERVISTS FOR THEIR CONTRIBUTIONS TO THE WAR AGAINST GLOBAL TERRORISM

Mr. Kappel introduced reservists who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, on September 11, 2001, the United States was stunned when terrorists hijacked airplanes and attacked the World Trade Center and the Pentagon, killing and injuring thousands of people; and

WHEREAS, as a result of these attacks, the United States military entered into a war against global terrorism; and

WHEREAS, this military response has included "Operation Noble Eagle," involving homeland defense and civil support missions; "Operation Enduring Freedom," formerly known as "Operation Infinite Justice," to destroy the terrorist training camps and infrastructure within Afghanistan, the capture of al Qaeda leaders, and the cessation of terrorist activities in Afghanistan; "Operation Vigilant Resolve," to isolate and root out the terrorist forces responsible for repeated attacks on coalition forces in Fallujah, Iraq; and "Operation Iraqi Freedom," to free the people of Iraq from years of tyranny under the Iraqi dictator Saddam Hussein, who also sponsored terrorism; and

WHEREAS, each of these operations was conducted to make the United States, and the world, a safer place; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents and employees who serve in the reserve components of the various military services; and

WHEREAS, Lieutenant Commander Karl S. Leonard, United States Coast Guard; Master Sergeant Patrick D. Crowson, Air Force Reserve; First Lieutenant Promotable Gary S. Edwards, Army Infantry; Captain Michael S. Breeden, Army National Guard; Sergeant Ryan T. Swope, Army Reserve; Sergeant Donnie W. Foley, Army National Guard; Captain Robert E. Estes, Army National Guard, Sergeant First Class Antonio J. Starke, Army Reserve; Petty Officer John P. Kimenhour, III, United States Coast Guard; Petty Officer Second Class Kitty L. Combs,

United States Navy; Staff Sergeant Benjamin T. Thornton, Army Reserve; Sergeant Marcus A. Pham, United States Army; Sergeant Stephen N. Fortier, U.S. Army; Master Sergeant Mark A. Fromal, Air National Guard; Chief Warrant Officer James B. Herring, Army National Guard; Major Thomas C. Kohorst, Army National Guard; Master Sergeant James J. Profita, Air National Guard; Senior Airman Rodney Duke, United States Navy; Senior Master Sergeant Richard Earhart, Air National Guard; Sergeant David Farmer, Marine Corps Reserve; Captain Kathryn Kahlson, Air National Guard; Master Sergeant Kevin McNamee, Air National Guard; Technical Sergeant Matthew Perkins, Air National Guard; Master Sergeant Robert Puryear, Air National Guard; Senior Chief Petty Officer David Schweiger, United States Navy; Master Sergeant Scott Ward, Air National Guard; Corporal Justin Bennett, Marine Corps Reserve; Staff Sergeant Alton Coston, Air National Guard; Master Sergeant Levi Gholson, Air Force Reserve; Gunnery Sergeant Brian Ward, Marine Corps Reserve; Master Sergeant Matthew Wilkerson, Air National Guard; Sergeant Steffanie Pyle, Army National Guard; Staff Sergeant Christopher Wilson, Army National Guard; and Master Sergeant Sherry Hankins, Air National Guard, are some of the courageous Americans who answered the call to duty unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in these military operations for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 25th day of August 2004, publicly recognizes the sacrifice and courage of these dedicated military reservists, and expresses its gratitude to them for making the world a safer place for freedom-loving people everywhere.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Board members presented executed resolutions to each of the reservists present at the meeting and commended them on their courageous service and sacrifice.

5.B. RECOGNIZING 2004 NACO ACHIEVEMENT AWARD WINNERS

Ms. Cole stated that this year Chesterfield County is the recipient of 12 Achievement Awards from the National Association of Counties (NACo). She further stated the Public Affairs Department also received 24 awards from the National Association of County Information Officers (NACIO).

Mr. Miller, accompanied by Mr. Ramsey, recognized the following recipients and presented them with the 2004 NACo Achievement Awards:

<u>Department</u>	<u>Project</u>
Community Corrections	> Dual Treatment Track
General Services	> State and County Agencies Partner with a Contractor to Eliminate an Illegal Tire Dump
Human Resource Management	> Supporting the Military Reserve
Library	> Teen Read Week E-Poetry Café > 100 th Library Anniversary Fireworks Theme
Mental Health/Mental Retardation/Substance Abuse	> Job Coach Training Services > Coordinated Crisis Response: A Model Local Government Response to a Youth Suicide Outbreak
Nursing Home/Lucy Corr Village	> Summer Teen Program
Public Affairs	> Hurricane Isabel - A Communications Case Study
Purchasing Department	> Diversity Initiative
Utilities Department	> Performance Based Measurements - Improving Customer Satisfaction Through Process Management
Youth Services	> Use, You Lose - A Campaign to Prevent Youth Substance Use

Mr. Miller and Mr. Ramsey congratulated and commended each department on their recognitions.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

- o **TO CONSIDER THE ADOPTION OF A RESOLUTION AUTHORIZING THE COUNTY TO CONTRACT DEBT AND ISSUE GENERAL OBLIGATION BONDS AND REQUESTING THE CIRCUIT COURT TO ORDER AN ELECTION ON THE QUESTIONS OF CONTRACTING DEBT AND ISSUING GENERAL OBLIGATION BONDS TO FINANCE PUBLIC IMPROVEMENTS**

Ms. Dickson stated staff is requesting that the Board adopt a resolution both authorizing the county to contract debt and issue general obligation bonds and requesting the circuit court to order an election on November 2, 2004 on the questions of contracting debt and issuing general obligation bonds to finance public improvements in the amount of

\$341,745,000 for various school, road, parks, library and public safety projects.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, DETERMINING THE ADVISABILITY FOR SUCH COUNTY TO CONTRACT DEBT AND ISSUE GENERAL OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF THREE HUNDRED FORTY-ONE MILLION SEVEN HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$341,745,000) FOR THE PURPOSE OF FINANCING THE COSTS OF PUBLIC IMPROVEMENT PROJECTS IN SUCH COUNTY, SUCH BONDS TO BE ISSUED IN THE MAXIMUM AMOUNT OF TWO HUNDRED THIRTY-ONE MILLION TWO HUNDRED TWENTY-FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$231,225,700) FOR CAPITAL SCHOOL IMPROVEMENT PROJECTS, IN THE MAXIMUM AMOUNT OF FIFTEEN MILLION TWO HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED DOLLARS (\$15,257,100) FOR PUBLIC SAFETY IMPROVEMENT PROJECTS, IN THE MAXIMUM AMOUNT OF THIRTY-FIVE MILLION FIVE HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$35,587,500) FOR LIBRARY IMPROVEMENT PROJECTS, IN THE MAXIMUM AMOUNT OF NINETEEN MILLION SIX HUNDRED SEVENTY-FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$19,674,700) FOR PARK AND RECREATION IMPROVEMENT PROJECTS AND IN THE MAXIMUM AMOUNT OF FORTY MILLION DOLLARS (\$40,000,000) FOR HIGHWAY, STREET, ROAD AND SIDEWALK IMPROVEMENT PROJECTS, AND REQUESTING THE CIRCUIT COURT OF SUCH COUNTY TO ORDER AN ELECTION ON THE QUESTIONS OF AUTHORIZING SUCH COUNTY TO CONTRACT SUCH DEBT AND ISSUE SUCH GENERAL OBLIGATION BONDS

WHEREAS, there has been presented to and filed with the official records of the Board of Supervisors (the "Board of Supervisors") of the County of Chesterfield, Virginia (the "County"), a certified copy of a resolution unanimously adopted by the School Board of the County at a regular meeting held on June 22, 2004, pursuant to Section 15.2-2640 of the Code of Virginia, 1950, requesting the Board of Supervisors to request the Circuit Court of the County to order an election on the question of authorizing the County to contract a debt and issue general obligation bonds of the County in a principal amount of not to exceed two hundred thirty-one million two hundred twenty-five thousand seven hundred dollars (\$231,225,700) for the purpose of financing the cost of capital school improvement projects in the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

1. It is hereby determined that it is advisable for the County to contract debt and to issue general obligation bonds of the County in the maximum amount of three hundred forty-one million seven hundred forty-five thousand dollars (\$341,745,000) under the provisions of Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), for the purpose of financing the costs of public improvement projects in the County, such bonds to evidence such debt to be issued in the maximum amounts and for the purposes set forth below:

(a) general obligation bonds in the maximum amount of two hundred thirty-one million two hundred twenty-five thousand seven hundred dollars (\$231,225,700) for capital

school improvement projects, including acquisition of future school sites and such other capital school improvements as may be required by the actual educational needs in the County;

(b) general obligation bonds in the maximum amount of fifteen million two hundred fifty-seven thousand one hundred dollars (\$15,257,100) for public safety improvement projects in the County;

(c) general obligation bonds in the maximum amount thirty-five million five hundred eighty-seven thousand five hundred dollars (\$35,587,500) for library improvement projects in the County;

(d) general obligation bonds in the maximum amount of nineteen million six hundred seventy-four thousand seven hundred dollars (\$19,674,700) for park and recreation improvement projects in the County; and

(e) general obligations bonds in the maximum amount of forty million dollars (\$40,000,000) for highway, street, road and sidewalk improvement projects in the County.

2. The full faith and credit of the County shall be pledged to the payment of the principal of and premium, if any, and interest on all of such bonds, and for so long as any of such bonds are outstanding and unpaid, the Board of Supervisors shall be authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on such bonds to the extent other funds of the County are not lawfully available and appropriated for such purpose.

3. The Circuit Court of the County, or any judge thereof, is hereby requested to order an election to be held in the County on November 2, 2004 pursuant to Sections 15.2-2610 and 15.2-2611 of the Code of Virginia, 1950, on the questions of whether the County shall be authorized to contract the debts and to issue general obligation bonds of the County in the maximum amounts and for the purposes set forth in Paragraph 1. The Circuit Court of the County, or any judge thereof, is hereby further requested to enter such order on or before September 3, 2004, to permit such election to be held on November 2, 2004, in accordance with the provisions of Section 24.2-682 of the Code of Virginia, 1950.

4. The Clerk of the Board of Supervisors shall file a certified copy of this resolution with the Circuit Court of the County, or any judge thereof.

5. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, hereby repealed.

6. This resolution shall take effect upon its adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller recognized School Board members Dr. James Schroeder and Mr. Tom Doland as well as Dr. Cannaday who were present at the meeting.

Dr. Schroeder expressed appreciation, on behalf of the School Board, for the Board's support of the upcoming bond referendum. He then introduced Ms. Patty Carpenter, Chairman of the School Bond Referendum Citizen Committee.

Ms. Carpenter stated the committee is committed to supporting all issues on the bond referendum and would welcome information from the Board regarding opportunities to inform citizens about the referendum.

Dr. Cannaday thanked the Board for its commitment to the community. He then recognized Mr. Art Heinz and Mr. Bill Hastings, members of the School Bond Referendum Citizen Committee who were also present at the meeting.

Mr. Miller thanked the members of the School Board and Dr. Cannaday for their tenaciousness in resolving issues relative to the bond referendum.

Discussion ensued relative to initiatives the citizen committee might want to pursue.

Mr. Ramsey noted that Ms. Debra Marlow will be leading the school's bond referendum team and Mr. Robert Eanes will be leading the county's bond referendum team as he did the last referendum in 1996.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mr. Warren, seconded by Mr. King, the Board suspended its rules at this time to allow simultaneous nomination/appointment/reappointment of members to serve on the Community Services Board and SAFE Board of Directors.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.A.1. COMMUNITY SERVICES BOARD

On motion of Mr. King, seconded by Mr. Warren, the Board simultaneously nominated/appointed Ms. Robin J. Wintzer, representing the Bermuda District, to serve on the Community Services Board, whose term is effective September 1, 2004 and expires December 31, 2006.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.A.2. SAFE BOARD OF DIRECTORS

On motion of Mr. King, seconded by Mr. Warren, the Board simultaneously nominated/reappointed Ms. LuGay Lanier, representing the Matoaca District, to serve on the SAFE Board

of Directors, whose term is effective October 1, 2004 and expires September 30, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller excused himself from the meeting.

8.B. CONSENT ITEMS

On motion of Mr. Warren, seconded by Mr. King, the Board removed the following items from the Consent Agenda for public discussion: Item 8.B.2.a., Resolution Approving the Request of Priority One Ambulance Services, LLC to Establish and Operate a Non-Emergency Ambulance Transport Service in Chesterfield County; Item 8.B.14.b., Transfer of District Improvement Funds from the Clover Hill and Midlothian District Improvement Funds to the Parks and Recreation Department to Make Field Improvements to the Existing Football/Track Field at Providence Middle School; Item 8.B.14.c., Transfer of District Improvement Funds from the Matoaca District Improvement Fund to the Parks and Recreation Department to Purchase Materials to Build a Press Box at Alberta Smith Elementary School; Item 8.B.14.d., Donation of District Improvement Funds from the Bermuda and Matoaca District Improvement Funds to the Shepherd's Center of Chesterfield.

Ayes: Barber, Humphrey, King and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to the meeting.

8.B.1. ACCEPTANCE AND APPROPRIATION OF FUNDS

8.B.1.a. OF FY2005 SUPREME COURT OF VIRGINIA ADULT DRUG COURT GRANT FUNDS TO CONTINUE THE SERVICES CURRENTLY PERFORMED BY THE DRUG COURT

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the acceptance of \$232,000 and the appropriation of \$132,000 in Adult Drug Court Program grant funds from the Supreme Court of Virginia. (It is noted \$100,000 was adopted for adult drug court services as part of the FY2005 county budget; therefore only appropriation of the additional funds is needed. It is further noted no local match is required.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.1.b. OF STATE AND FEDERAL FUNDS FOR THE FY2005 PART C PROGRAM FOR THE PLANNING DISTRICT 14 INTERAGENCY COORDINATING COUNCIL, ADMINISTERED BY THE CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mr. Warren, seconded by Mr. King, the Board accepted and appropriated \$241,764 in state and federal funds for the FY2005 Part C program for the Planning District 14 Interagency Coordinating Council, administered by the

Chesterfield Community Services Board and coordinated by its Infant Program. (It is noted no local match is required.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.1.c. OF VIRGINIA DEPARTMENT OF AVIATION GRANT FUNDS FOR AN AIRPORT PROJECT FOR RUNWAY CRACKSEAL AND TRANSFER OF FUNDS

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to accept and appropriate Virginia Department of Aviation grant funds in the amount of \$35,437.50 for an airport project for Runway Crackseal, and authorized the transfer of \$3,937.50 from the Airport Capital Projects Fund for the local match.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.1.d. OF A VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION GRANT FOR IMPROVEMENTS AND APPROVAL OF CHANGE ORDER FOR ROBIOUS LANDING PARK

On motion of Mr. Warren, seconded by Mr. King, the Board accepted and appropriated a Virginia Department of Conservation and Recreation grant, in the amount of \$125,000, awarded to the Parks and Recreation Department for improvements to Robious Landing Park. (It is noted the local in-kind match is being met through the fair market value of a recently acquired 55-acre piece of property and capital improvement funds budgeted in FY2006 and FY2007.)

And, further, the Board authorized the County Administrator to execute Change Order Number One in the amount of \$64,586 for the construction contract with Colony Construction, Incorporated for additional excavation and installation of drainpipe in the roadway.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2. ADOPTION OF RESOLUTIONS

8.B.2.b. RECOGNIZING MR. CHRISTOPHER LINDBLOOM FOR HIS SERVICE TO SAFE

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Chesterfield County Board of Supervisors is committed to addressing concerns about alcohol and drug use and abuse in our community, especially among young people; and

WHEREAS, Substance Abuse Free Environment Inc. (SAFE) is a county, school and community coalition dedicated to promoting a healthy community that is free of substance abuse; and

WHEREAS, Mr. Christopher Lindbloom served as the chairman of SAFE for the past two years; and

WHEREAS, Mr. Lindbloom also served on the Drug and Alcohol Abuse Task Force representing the Midlothian District for three years, prior to the task force's merging with SAFE; and

WHEREAS, Mr. Lindbloom hosted a community meeting with Ms. Mary Ann Solberg, Deputy Director of the Office of National Drug Control Policy; and

WHEREAS, Mr. Lindbloom provided leadership to SAFE during a period of organizational change and expansion, successfully guiding SAFE's transition to an organization with increased representation from multiple sectors of the community; and

WHEREAS, Mr. Lindbloom initiated the development of a SAFE speakers bureau and was an active participant on the speakers bureau; and

WHEREAS, Mr. Lindbloom heightened awareness in the community of substance abuse issues through his thoughtful and heartfelt presentations in many settings.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes and thanks Mr. Christopher Lindbloom for his leadership, service and commitment to SAFE and to the prevention of substance abuse among the young people of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.c. CLARIFYING THAT MEMBERS OF THE COUNTY'S AUXILIARY POLICE FORCE ARE CONSIDERED TO BE COUNTY EMPLOYEES FOR PURPOSES OF WORKER'S COMPENSATION ACT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted a resolution clarifying that members of the county's auxiliary police force are considered to be county employees for purposes of the Worker's Compensation Act.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3. DONATION OF OBSOLETE, SURPLUS FIRE TRUCK PARTS AND EQUIPMENT TO OLD DOMINION HISTORICAL SOCIETY, A NON-PROFIT HISTORICAL ORGANIZATION

On motion of Mr. Warren, seconded by Mr. King, the Board approved the donation of surplus fire truck parts and equipment to the Old Dominion Historical Society.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.4. AUTHORIZATION TO ALLOW AUXILIARY POLICE OFFICERS WITH
OVER TWENTY YEARS OF SERVICE TO PURCHASE THEIR
SERVICE HANDGUN**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized auxiliary law enforcement officers with more than 20 years of service to purchase their service weapon at a price that is equivalent to or less than the fair market value on the date of purchase.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.5. STATE ROAD ACCEPTANCE

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Brookfield North, Section 1**

● **Morelock Drive, State Route Number: 2662**

From: 0.04 Mi. N of Woodward Dr., (Rt. 2661)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 6/7/2004 with the Office Of Clerk To Circuit Court in Pb.144, Pg. 42, with
a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **St. James Woods, Section L**

● **Bantry Drive, State Route Number: 5647**

From: 0.02 Mi. S of Explorer Dr., (Rt. 3998)

To: Westbury Knoll Ln., (Rt. 3979), a distance of: 0.05 miles.

Right-of-way record was filed on 8/6/2003 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 79, with a width of 50 Ft.

● **Bantry Drive, State Route Number: 5647**

From: Westbury Knoll Ln., (Rt. 3979)

To: 0.04 Mi. S of Westbury Knoll Ln., (Rt. 3979), a distance of: 0.04 miles.

Right-of-way record was filed on 8/6/2003 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 79, with a width of 44 Ft.

● **Westbury Bluff Drive, State Route Number: 3978**

From: 0.01Mi. S of Westbury Knoll Ln., (Rt. 3979)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 8/6/2003 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 79, with a width of 40 Ft.

● **Westbury Knoll Lane, State Route Number: 3979**

From: 0.01Mi. E of Westbury Bluff Dr., (Rt. 3978)

To: Bantry Dr., (Rt. 5647), a distance of: 0.08 miles.

Right-of-way record was filed on 8/6/2003 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 79, with a width of 40 Ft.

- **Westbury Knoll Lane, State Route Number: 3979**

From: Bantry Dr., (Rt. 5647)

To: Cul-de-sac, a distance of: 0.00 miles.

Right-of-way record was filed on 8/6/2003 with the Office Of Clerk To Circuit Court in Pb. 135, Pg. 79, with
a width of 40 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.6. AUTHORIZE COUNTY ADMINISTRATOR TO RENEW A HEALTH CARE CONTRACT WITH ANTHEM AND DENTAL CARE CONTRACT WITH UNITED CONCORDIA COMPANIES, INCORPORATED FOR 2005

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to renew health and dental care contracts with Anthem and United Concordia Companies, Incorporated for 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.7. SET DATE FOR PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COUNTY'S BUSINESS LICENSE TAX ORDINANCE

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of September 22, 2004 at 7:00 p.m. for a public hearing to consider amendments to sections of the County Code relating to the business license tax.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.8. APPROVAL OF FY2006 PRIORITY LIST OF PRIMARY AND INTERSTATE NEEDS

On motion of Mr. Warren, seconded by Mr. King, the Board approved the recommended FY2006 priority list of highway projects and statement regarding Chesterfield's primary and interstate road needs and directed staff to forward this information to the county's legislative delegation and the Commonwealth Transportation Board. (It is noted a copy of the priority list of highway projects is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.9. REQUESTS TO QUITCLAIM

8.B.9.a. A SIXTEEN-FOOT DRAINAGE EASEMENT (PRIVATE) ACROSS THE PROPERTY OF OUTBACK STEAKHOUSE OF FLORIDA, INCORPORATED

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot drainage easement (private) across the property of

Outback Steakhouse of Florida, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.9.b. A TEMPORARY REDUCED IMPERVIOUSNESS BEST MANAGEMENT PRACTICE EASEMENT ACROSS THE PROPERTY OF PINEY BRANCH DEVELOPMENT COMPANY

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a temporary reduced imperviousness best management practice easement across the property of Piney Branch Development Company. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.9.c. A SIXTEEN-FOOT DRAINAGE EASEMENT (PRIVATE) ACROSS THE PROPERTY OF CLOVER HILL LAND COMPANY, L.L.C.

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot drainage easement (private) across the property of Clover Hill Land Company, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.10. CONVEYANCE OF EASEMENTS TO COLUMBIA GAS OF VIRGINIA, INCORPORATED FOR THE HULL STREET ROAD WIDENING PROJECT

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Columbia Gas of Virginia, Incorporated for the Hull Street Road Widening Project. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.11. ACCEPTANCE OF PARCELS OF LAND

8.B.11.a. ALONG THE EAST RIGHT OF WAY LINE OF OLD HUNDRED ROAD FROM THE TRUSTEES OF COUNTRYSIDE CHRISTIAN CHURCH

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of two parcels of land containing a total of 0.594 acres along the east right of way line of Old Hundred Road (State Route 754) from the Trustees of Countryside Christian Church, and authorized the County

Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.11.b. ALONG THE WEST RIGHT OF WAY LINE OF PERRYMONT ROAD
FROM THE TRUSTEES OF KINGSLAND BAPTIST CHURCH**

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of eight parcels of land containing a total of 0.101 acres along the west right of way line of Perrymont Road (State Route 1625) from the Trustees of Kingsland Baptist Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.11.c. ALONG THE NORTH RIGHT OF WAY LINE OF CURTIS STREET
AND THE EAST RIGHT OF WAY LINE OF HARROWGATE ROAD
FROM THE TRUSTEES OF CHESTER CHRISTIAN CHURCH**

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.29 acres along the north right of way of Curtis Street (State Route 1520) and the east right of way line of Harrowgate Road (State Route 144) from the Trustees of Chester Christian Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.12. REQUEST FOR PERMISSION FROM KUONG M. AND SOPHEAK S.
KY FOR A PROPOSED CARPORT TO ENCROACH WITHIN A
SIXTEEN-FOOT DRAINAGE AND UTILITY EASEMENT ACROSS
LOT 16, BLOCK O, MEADOWDALE, SECTION D**

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Kuong M. Ky and Sopheak S. Ky for permission for a proposed carport to encroach within a 16-foot drainage and utility easement across Lot 16, Block O, Meadowdale, Section D, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.13. AWARD OF CONSULTING SERVICES AND SOFTWARE LICENSE
AGREEMENTS FOR A NEW INTEGRATED FINANCIAL AND HUMAN
RESOURCES/PAYROLL INFORMATION SYSTEM**

On motion of Mr. Warren, seconded by Mr. King, the Board approved the award of contracts to SunGard Bi-Tech, Incorporated in an amount not to exceed \$5.5 million and

authorized the County Administrator to execute the necessary agreements for consulting services and software licenses associated with the new integrated financial and human resources/payroll information system.

And, further, the Board approved the transfer of \$284,800 from the school's capital improvement reserve to the project.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.14. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.14.a. FROM THE BERMUDA, CLOVER HILL, DALE, MATOACA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE CHESTERFIELD COUNTY POLICE DEPARTMENT TO SUPPORT THE TRIAD PROGRAM

On motion of Mr. Warren, seconded by Mr. King, the Board transferred a total of \$1,675 (\$335 each) from the Dale, Matoaca, Clover Hill, Midlothian and Bermuda District Improvement Funds to the Police Department to support the TRIAD Program.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.15. APPROVAL OF TEMPORARY WAIVER OF THE AIRPORT ADVISORY BOARD RULES REGARDING TERM LIMITATIONS FOR CHAIRMAN

On motion of Mr. Warren, seconded by Mr. King, the Board temporarily waived the Airport Advisory Board rules regarding term limitations for chairman.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

The following items were removed from the Consent Agenda for public comment:

8.B.2.a. APPROVING THE REQUEST OF PRIORITY ONE AMBULANCE SERVICES, LLC TO ESTABLISH AND OPERATE A NON-EMERGENCY AMBULANCE TRANSPORT SERVICE IN CHESTERFIELD COUNTY

Mr. George Beadles stated he finds it intriguing that a non-emergency ambulance transport service wants to locate on Skinquarter Road.

Mr. Shaun Wilson, General Manager of Priority One Ambulance Services, LLC, stated the purpose of the business is to provide non-emergency ambulance transport service not only in the Skinquarter area, but in Chesterfield County, Richmond and the surrounding area. He requested the Board's approval of the resolution so that the service can be established.

No one else came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Priority One Ambulance Services, LLC is requesting approval to establish and operate a non-emergency ambulance transport service in Chesterfield County; and

WHEREAS, the County has received a letter from Priority One Ambulance Services, LLC stating that this approval is required for compliance with the State Board of Health, Virginia EMS Regulations, Section 12 VAC 5-31-420; and

WHEREAS, Priority One Ambulance Services, LLC will not be part of the County's emergency response system or a designated response agency for Chesterfield County; and

WHEREAS, Priority One Ambulance Services, LLC has developed dispatch policies to ensure that emergency calls are referred to a 911 system and that it will only conduct non-emergency transports.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby approves the request of Priority One Ambulance Services, LLC to establish and operate a non-emergency ambulance transport service in Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.14.b. FROM THE CLOVER HILL AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE PARKS AND RECREATION DEPARTMENT TO MAKE FIELD IMPROVEMENTS TO THE EXISTING FOOTBALL/TRACK FIELD AT PROVIDENCE MIDDLE SCHOOL

Mr. George Beadles stated the agenda item refers to the "original request" and inquired whether a subsequent application for funding was made.

No one else came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. Warren, the Board transferred \$3,009 from the Midlothian District Improvement Fund and \$3,009 from the Clover Hill District Improvement Fund (total of \$6,018) to the Parks and Recreation Department to make field improvements to the existing football/track field at Providence Middle School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.14.c. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT FOR THE DEPARTMENT TO PURCHASE MATERIALS TO BUILD A PRESS BOX AT ALBERTA SMITH ELEMENTARY SCHOOL

Mr. George Beadles stated the agenda item refers to the "original request" and inquired whether a subsequent application for funding was made. He further stated he believes press boxes should be funded through the budget rather than through District Improvement Funds.

No one else came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$3,200 from the Matoaca District Improvement Fund to the Parks and Recreation Department for the department to purchase materials needed to construct a press box at Alberta Smith Elementary School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.14.d. FROM THE BERMUDA AND MATOACA DISTRICT IMPROVEMENT FUNDS TO THE SHEPHERD'S CENTER OF CHESTERFIELD

Mr. George Beadles stated he hopes the Shepherd's Center will be funded in the community contracts section of next year's budget.

No one else came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board donated \$3,000 from the Bermuda District Improvement Fund and \$3,000 from the Matoaca District Improvement Fund (total of \$6,000) to the Shepherd's Center of Chesterfield.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATION FOR A PUBLIC HIGH SCHOOL ON GENITO ROAD (CASE 05PD0101)

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the following reports: a report on Developer Water and Sewer Contracts; a status report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a report of the Planning Commission's Substantial Accord Determination for a public high school on Genito Road (Case 05PD0101).

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

11. DINNER

On motion of Mr. Barber, seconded by Mr. King, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend Tim Amador, Pastor of God's Storehouse Baptist Church gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Bryce Spivey led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING THE VIRGINIA STORM AAU 11-U GIRLS BASKETBALL TEAM FOR ITS EXCELLENT REPRESENTATION OF CHESTERFIELD COUNTY

Mr. Kappel introduced Assistant Coach Marvin Bell and members of the Virginia Storm AAU 11-U girls basketball team who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, The Virginia Storm AAU 11-U Girls Basketball Team has its home office in Chesterfield County, and

WHEREAS, Chesterfield County Schools attended by the team's members include Carver Middle, Salem Middle, Swift Creek Middle and Falling Creek Middle, as well as schools in Henrico County; and

WHEREAS, the team participated in the Virginia Division II National AAU 11-U Championship in Nashville, Tennessee from July 4-11, 2004; and

WHEREAS, this team of outstanding young athletes captured the Division II National Championship title; and

WHEREAS, The Virginia Storm was a start-up team three years ago; and

WHEREAS, Coach Allison Frye helped the team to realize its full potential; and

WHEREAS, the team averaged 50 points per game throughout the tournament offensively and gave up only 37 points a game on the defense; and

WHEREAS, after a grueling tournament, the championship game came down to The Virginia Storm and Team Ohio; and

WHEREAS, in the end, The Virginia Storm was victorious after eight wins and no losses; and

WHEREAS, this outstanding performance reflects well on Chesterfield County and is worthy of recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield Board of Supervisors, this 25th day of August 2004, publicly recognizes the exceptional contributions of Coach Frye and all the young ladies of The Virginia Storm, and the support of the team members' parents and families, congratulates the team on its stunning accomplishment, and wishes them continued success.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented the executed resolution to Coach Bell and also to members The Virginia Storm, congratulated them on an excellent season, and wished them continued success.

Mr. Bell expressed appreciation to the Board for the recognition.

14.A.1. RECOGNIZING THE OUTSTANDING CONTRIBUTIONS OF MARK AND LINDA FAUSZ

Mr. Kappel introduced Mark and Linda Fausz who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, in 1998, Mark and Linda Fausz were seeking information about Chester, Virginia; and

WHEREAS, not finding the information they sought, Mark contacted the Chesterfield County Planning Department, and provided the impetus for a series of meetings about the Village of Chester; and

WHEREAS, an outgrowth of these meetings was the formation of the Chester Community Association, tasked with implementing the ten-year-old Chester Village Plan; and

WHEREAS, the Village News, formerly the Chester Village News, was started by Mark and Linda Fausz in August 1998 as a bi-weekly community newspaper; and

WHEREAS, the publication grew to become a weekly one year later; and

WHEREAS, Linda Fausz is publisher and Mark Fausz is managing editor of the newspaper; and

WHEREAS, the Village News regularly publishes Chesterfield County press releases and provides space for a Fire Station 1 column on fire safety and related topics; and

WHEREAS, the newspaper also promotes Chesterfield County school activities and accomplishments; and

WHEREAS, the newspaper has hired and mentored journalism students in an internship program in conjunction with Virginia Commonwealth University; and

WHEREAS, the Village News provides free advertising for the community to sell personal items, advertise yard sales, etcetera; and

WHEREAS, the paper also provides a venue for local faith-based, civic and social organizations to publicize special events free or at non-profit rates; and

WHEREAS, the Village News has received the Business of the Month Award from both the Chester Business Association and the Colonial Heights Chamber of Commerce; and

WHEREAS, Linda Fausz is past president of the Chester Business Association and continues on that organization's board of directors; and

WHEREAS, Mark Fausz is president of the Chester Community Association; vice chairman of the Chesterfield Center for the Arts at Chester Foundation and past director of the Chesterfield Chamber of Commerce; member of the Chester Village Green Architectural Review Board; member of the Chester Business Association and a member of the ChesterFest committee.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 25th day of August 2004, publicly recognizes the outstanding contributions of Mark and Linda Fausz and the Village News to Chesterfield County for the efforts noted above, and for the many other positive efforts in which they are involved that benefit their community; thanks them for their civic-minded service, and extends its best wishes to the Village News for continued success.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented the executed resolution to Mr. and Mrs. Fausz, accompanied by Ms. Betty Matthews, and commended them for providing a balanced newspaper.

Ms. Matthews presented a bouquet of flowers to Mrs. Fausz and expressed appreciation for the dramatic positive impact she and Mr. Fausz have made upon the county.

Mr. King called forward Mr. Jason Gray, District Representative for Congressman Randy Forbes to make a presentation to Mr. and Mrs. Fausz.

Mr. Gray read a letter from Congressman Forbes congratulating Mr. and Mrs. Fausz and the Village News on exemplary accomplishments, presented a framed copy of the letter to them and stated it will be officially entered in the Congressional Record.

Mr. Fausz expressed appreciation to the community for its support and stated Chesterfield County is a great place to live.

Mrs. Fausz expressed appreciation to the Village News staff and members of the community for their support.

**14.B. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF
EAGLE SCOUT**

14.B.1. KEVIN BRYCE SPIVEY, DALE DISTRICT

14.B.2. JOSHUA BRYON THOMAS, DALE DISTRICT

14.B.3. ROGER ALLEN PETERSON, MATOACA DISTRICT

14.B.4. RICHARD DEAN YENTES, MATOACA DISTRICT

14.B.5. BENJAMIN JOSEPH MCCARTHY, MATOACA DISTRICT

14.B.6. JAMES K. CROWTHER, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. Kevin Spivey, Mr. Joshua Thomas, Mr. Roger Peterson, Mr. Richard Yentes and Mr. James Crowther, who were present to receive the resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law

Mr. Kevin Bryce Spivey, Mr. Roger Allen Peterson, Mr. James K. Crowther and Mr. Joshua Bryon Thomas, all of Troop 855, sponsored by The Church of Jesus Christ of Latter Day Saints; and Mr. Richard Dean Yentes and Mr. Benjamin Joseph McCarthy, both of Troop 874, sponsored by Saint Mark's United Methodist Church, have accomplished those high standards of commitment and have reached the long-sought goal of Eagle Scout which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through their experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare themselves for roles as leaders in society, Bryce, Roger, James, Joshua, Richard and Benjamin have distinguished themselves as members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 25th day of August 2004, hereby extends its congratulations to Mr. Kevin Bryce Spivey, Mr. Roger Allen Peterson, Mr. James K. Crowther, Mr. Joshua Bryon Thomas, Mr. Richard Dean Yentes and Mr. Benjamin Joseph McCarthy, and acknowledges the good fortune of the county to have such outstanding young men as its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller, Mr. Warren and Mrs. Humphrey presented the executed resolutions and patches to Mr. Spivey, Mr. Peterson, Mr. Crowther, Mr. Thomas and Mr. Yentes, accompanied by members of their families, congratulated them on their outstanding achievement, and wished them well in their future endeavors.

Mr. Spivey expressed appreciation to God, his family and friends for their support.

Mr. Peterson expressed appreciation to the Board for the recognition and also to his parents, church family and fellow scouts for their support.

Mr. Crowther expressed appreciation to the Board for the recognition.

Mr. Thomas expressed appreciation to the Board for the recognition and also to God, his parents and scout leaders for their support.

Mr. Yentes expressed appreciation to his parents, scoutmasters and others for their support.

(It is noted Mr. McCarthy was unable to attend the meeting and the resolution and patch will be forwarded to him.)

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

04SN0273

In Dale Magisterial District, KAHN PROPERTIES SOUTH LLC requests amendment to Conditional Use Planned Development (Case 97SN0165) and amendment of zoning district map relative to access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Neighborhood Business (C-2) District on 3.0 acres fronting approximately 385 feet on the east line of Iron Bridge Road, also fronting approximately 135 feet on the north line of Centralia Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-661-8240 and 773-661-0235 (Sheet 25).

Mr. Turner stated the applicant has requested a deferral until September 22, 2004.

Ms. Gloria Frye, representing the applicant, requested a deferral until September 22, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Barber, the Board deferred Case 04SN0273 until September 22, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0278

In Clover Hill Magisterial District, FINER HOMES, INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres at the eastern terminus of Stroud Lane approximately 780 feet east of Marbleridge Road and at the eastern terminus of Pullbrooke Drive. Tax IDs 747-701-6206, 8905, 8922 and 748-700-0291 (Sheet 6).

Mr. Turner presented a summary of Case 04SN0278 and stated the Planning Commission recommended denial because the applicant had not adequately addressed the impact of the proposed development on capital facilities. He further stated that, subsequent to the Planning Commission's action, the applicant has amended Proffered Condition 7 to fully address the impact on capital facilities. He stated staff recommends approval and acceptance of the proffered conditions.

Mr. Jeff Collins, representing the applicant, stated staff's recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for the amended proffered condition.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 04SN0278 and accepted the following proffered conditions:

1. The public water and wastewater systems shall be used. (U)
2. Dwelling units shall have a minimum 1,800 square feet of gross floor area. (P)
3. The exposed surfaces of the foundations of each dwelling shall be covered with brick or stone veneer. (P)
4. The existing pond located toward the south portion of the property shall remain and be used as a SWM/BMP facility. (EE)

5. Access shall be limited to the extension of Stroud Lane and Pullbrooke Drive out of the Briarcliff Subdivision. No access shall be allowed to the section of Stroud Lane that connects to Adkins Road. (T)
6. The maximum allowable density shall not exceed 1.9 units per acre. (P)
7. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full the payor. (B&M)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0282

In Bermuda Magisterial District, RONALD J. ROST requests rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 0.3 acre and is known as 4625 West Hundred Road. Tax ID 787-653-6655 (Sheet 26).

Mr. Turner presented a summary of Case 04SN0282 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Ron Rost stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0282 and accepted the following proffered conditions:

1. Prior to any site plan approval, forty-five (45) feet of right-of-way on Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted to,

and for the benefit of Chesterfield County. (T)

2. There shall be no direct access from the property to Route 10. Direct access from the property to Buckingham Street shall be limited to one (1) entrance/exit located towards the southern property line. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0287

In Bermuda Magisterial District, GREENBRIAR DEVELOPMENT LLC requests Conditional Use and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 to 4.0 units per acre or less. This request lies in Residential (R-7 and R-12) Districts on 0.9 acre fronting the eastern terminus of Overridge Drive. Tax IDs 790-639-Part of 3992 and 790-640-Part of 9502 (Sheet 34).

Mr. Turner presented a summary of Case 04SN0287 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Larry Horton, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0287 and accepted the following proffered conditions:

1. A temporary model home (sales office) shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 180 days from the date of approval of this request. At the end of the 180 days, the modular office unit shall be removed. (P)
2. The model home (sales office) shall only be used to market the development (Greenbriar Woods Subdivision) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)
3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)
4. The model home (sales office) shall be incidental to construction activity taking place within the development (Greenbriar Woods Subdivision). (P)
5. The public water and wastewater systems shall be used. (U)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0297

In Midlothian Magisterial District, WILLIAM P. SOWERS CONSTRUCTION CO. requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.2 acres lying approximately 500 feet off the east line of Wal-Mart Way approximately 800 feet north of Midlothian Turnpike. Tax IDs 736-709-1439 and Part of 4223 (Sheet 6).

Mr. Turner presented a summary of Case 04SN0297 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Bill Sowers, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 04SN0297 and accepted the following proffered conditions:

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 736-709-1439 and 736-709-4223 (part) containing a total of 1.2 acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property to C-3 for development of retail uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

1. Uses. No portion of the Property shall be used for any of the following:

- (a) Cocktail lounges and nightclubs
- (b) Hospitals
- (c) Hotels
- (d) Flea markets
- (e) Free-standing fast food restaurants.
- (f) Any use with drive-in or drive-through facilities.
- (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
- (h) Coin operated dry cleaning, laundry and laundromats.

- (i) Park and ride lots.
 - (j) Secondhand and consignment stores.
 - (k) Commercial kennels.
 - (l) Residential multifamily and townhouses.
 - (m) Outside storage of construction equipment/materials.
 - (n) Continuous outside display of merchandise for sale pursuant to Section 19-159(i) of the Zoning Ordinance other than within or within 100 feet of a garden center and limited to products related to the garden center operation.
 - (o) Outside runs for veterinary hospitals.
 - (p) Massage clinics except when located within a health club, tanning salon or similar facility.
 - (q) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis.
 - (r) Motor vehicle sales or rentals. (P)
2. Building Heights. Buildings on the Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height. (P)
3. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)
4. Water and Wastewater. Public water and wastewater systems shall be used. (U)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
6. Transportation; Access Road to Wal-Mart Way.
- (a) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" ("Point D") on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A"), a copy of which was filed with Case No. 03SN0246, to the common boundary line between the Property and the parcel identified as Tax ID 736-709-3667, including rights of way across the parcels identified as Tax ID's 736-708-1856, 735-709-8503 and 736-709-4223 shown as "Point F" on Zoning Exhibit A ("Point F"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Special Access Street shall be approved by the Transportation Department.
 - (b) Prior to issuance of an occupancy permit for any development on the Property, the Special Access

Street shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0299

In Midlothian Magisterial District, ST. JOSEPH'S CATHOLIC CHURCH requests Conditional Use and amendment of zoning district map to permit a private school in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 19.7 acres and is known as 828 Buford Road. Tax ID 757-709-2787 (Sheet 7).

Mr. Turner presented a summary of Case 04SN0299 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 04SN0299 and accepted the following proffered conditions:

1. Except where the requirements of the underlying R-15 zoning are more restrictive, any new development for school use shall conform to the requirement of the Zoning Ordinance for office uses in Emerging Growth Areas, except for buffers. (P)
2. The operation of the private school shall be in conjunction with a church use only. (P)
3. The setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north and south. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards

contained in Section 19-522 (a)(2) of the Zoning Ordinance.

- b. If active play fields, courts, swimming pools or similar active recreational areas are setback more than 100 feet from the adjacent properties to the north and south, the landscaping or other design features described in 3.a. may be modified by the Planning Department at the time of site plan review. Such modifications shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 3.a.
 - c. Playground areas which accommodate swings, jungle gyms or similar such facilities shall be setback a minimum of fifty (50) feet from all property lines. (P)
- 4. Unless and until any active uses or any improvements are located within 125 feet of the southern property boundary adjacent to Summit Acres Subdivision, any healthy trees that are two (2) inches in caliper or greater shall be retained within this 125 foot setback. This condition shall not preclude the removal of vegetation from this 125 foot setback that is unhealthy, dying or diseased. (P)
 - 5. At such time that any active uses or any improvements are located within 125 feet of the southern property line adjacent to Summit Acres Subdivision, a fifty (50) foot buffer shall be provided along this southern property line. This buffer shall comply with Section 19-520(a), 19-521 and 19-522(a)(2) of the Zoning Ordinance. (P)
 - 6. No vehicular or pedestrian connections shall be permitted to the Summit Acres Subdivision. (T)
 - 7. School enrollment shall not exceed 350 students. (P)
 - 8. Direct access from the property to Buford Road and to Pinetta Drive shall be limited to the existing entrances/exits onto each roadway. Any relocation of these accesses shall be approved by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Barber requested that Mr. Scherzer extend to Saint Joseph's Catholic Church his appreciation for their patience during the zoning process.

05SN0119

In Dale Magisterial District, THE CHESTERFIELD COUNTY BOARD OF SUPERVISORS requests amendment to Conditional Use and Conditional Use Planned Development (Case 91SN0222) and amendment of zoning district map to delete outside storage

restrictions plus Conditional Use to permit contractors' offices and display rooms and outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in Light Industrial (I-1) and General Business (C-5) Districts on 318.6 acres fronting approximately 7,900 feet on the north and south lines of Whitepine Road approximately 2,200 feet west of Iron Bridge Road and is known as Chesterfield Industrial Park. Tax IDs 762-673-9607; 763-672-6718; 763-673-5223 and 8643; 763-674-3879; 764-670-9694; 764-671-5216 and 7534; 764-672-1870, 6418 and 9898; 764-673-1482, 4558 and 7326; 765-670-1577, 4242, 5365, 6637, 7072, 8484, 8515, 8959 and 9399; 765-671-0055, 1576, 2629, 2886, 5407, 5456, 8090, 8125 and 9678; 765-672-2762, 4633, 6215 and 7304; 766-669-1887, 3384, 4864 and 8576; 766-670-0607, 1344, 1683, 2927, 3163, 4843, 6917, 8074 and 8404; 766-671-1171, 1560, 2154, 2839, 4028 and 5411; 767-669-0056, 2749, 4391, 5811, 6235, 7077, 8864 and 9931; 767-670-1140 and 2625; and 768-669-3010 (Sheet 17).

Mr. Turner presented a summary of Case 05SN0119 and stated the Planning Commission and staff recommend approval subject to conditions.

Ms. Karen Aylward, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. Warren, the Board approved Case 05SN0119 subject to the following conditions:

1. Outside storage shall be permitted as accessory to a permitted or restricted use, provided that:
 - a. Such storage shall be screened from view of public road rights of way. Screening shall be accomplished by the use of building design, landscaping, berms and opaque fencing and/or a combination thereof. The exact treatment shall be approved at the time of site plan review;
 - b. No more than ten (10) percent of the lot area of the principal use on any zoning lot may be used for outside storage, provided that such area does not exceed a maximum of 3,500 square feet; and
 - c. Outside storage shall be restricted to internal side (not corner side) and rear yard areas and shall observe the minimum required setbacks for parking areas. (P)

(Note: With the approval of this request, Condition 2 of Case 91SN0222 shall be deleted. All other conditions of Cases 91SN0222 and 94SN0137 shall remain in effect.)
2. Construction vehicles, to include but not limited to, dump and concrete trucks, backhoes, bucket trucks, pavers and earth-moving equipment, shall not be

permitted to be stored on site. This shall not preclude the storage of flat-bed or similar trucks and trailers used to transport construction materials to and from construction sites. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0225

In Clover Hill Magisterial District, TASCON GROUP INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 39.6 acres fronting in two (2) places for approximately 560 feet on the west line of Courthouse Road, approximately 1,500 feet south of Smoketree Drive. Tax IDs 743-698-9862; 743-699-7943; 744-698-8198; 744-699-1309, 2760, 6243, 7252, 7715 and 7907 (Sheet 6).

Mr. Miller called forward Mr. Andy Scherzer.

Mr. Andy Scherzer, representing the applicant, stated staff had some technical discrepancies. He further stated the Planning Commission's recommendation for approval and acceptance of the proffered conditions is acceptable to the applicant.

Mr. Miller inquired about staff's recommendation.

Ms. Jane Peterson stated staff recommended approval subject to the applicant addressing several issues, which have not been addressed. She further stated there was no opposition present for the Planning Commission's hearing of the case.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Scherzer stated, after numerous community meetings, the neighborhood now supports the proposal.

When asked, Mr. Scherzer stated that addressing staff's concerns would be contrary to the wishes of the neighborhood with respect to an access to the north and use of existing homes. He further stated the applicant desires a reasonable opportunity to maintain the three existing homes along Courthouse Road.

Mr. Warren stated the neighborhood has been satisfied and the Planning Commission has recommended approval on a 5-0 vote.

Mr. Warren then made a motion, seconded by Mr. King, for the Board to approve Case 04SN0225 and accept the following proffered conditions:

A. The following shall apply to all tracts:

1. Master Plan. The Textual Statement dated February 16, 2004 and last revised June 17, 2004, shall be considered The Master Plan.
 2. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated February 12, 2004, and last revised June 17, 2004, and prepared by Balzer & Associates, Inc., but the location and size of Tracts A and B may be modified provided the tracts generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
 3. Utilities. Public water and wastewater systems shall be used.
- B. The following shall apply to Tracts A and B. Upon redevelopment of Tract B-1 for multi-family uses, the following shall also apply to Tract B-1:
1. Density. Density shall not exceed four (4) dwelling units per acre. (P)
 2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 3. Pond. The existing pond shall remain and shall be landscaped or otherwise improved so that it becomes a visual enhancement to, and an amenity for, the development. The exact treatment shall be reviewed and approved by the Planning Department at the time of site or subdivision plan review. (P)
 4. Sidewalks. Sidewalks shall be provided on both sides of all street rights of way. The exact treatment and location of these sidewalks shall be approved by the Planning Department at the time of tentative subdivision or site plan review. (P)
 5. Streets Trees. Street trees shall be planted along each side of the interior roads and common driveways to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)
 6. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building

mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan and/or subdivision tentative review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. Trees may be removed from within the setback/buffer areas to facilitate grading and installation of fencing, berming and other construction related activities as approved by the Planning Department. (P)

7. Entrance Fencing. A decorative "wrought iron-style" fence with brick columns shall be provided along Courthouse Road frontage of the Property, such columns are not to be spaced farther apart than sixty (60) feet. (P)
8. Driveways. All private driveways shall be hardscaped. (P)
9. Building Materials. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 20-year asphalt shingles. The Planning Department may approve the use of other building materials of equal or better quality. (P)
10. Foundation Treatment. All exposed portions of the foundation and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
11. Garages. For the residential multi-family portion of the development, a minimum of seventy-five (75) percent of the dwelling units shall employ side or rear-loaded garages. For the single family residential portion of the development, the visual impacts of garage doors on single family dwellings facing the street shall be minimized through the use of architectural fenestration and/or orientation. (P)
12. Dwelling Size. All dwelling units shall have a minimum gross floor area of 1200 square feet. (P)
13. Lighting. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department. (P)
14. Open space/Recreation area. Open space/recreation area shall be provided throughout the development, with a minimum of 0.60 acres in the clubhouse area, to provide a "focal point" as one enters each tract within the project. Should both tracts be developed for multi family residential dwellings only one focal point shall be required. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of

site plan and/or subdivision tentative review. The clubhouse building and its related recreational amenities shall be developed concurrent with the first phase of development. (P)

15. Restriction on Children's Play Facilities. The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)
16. Buffer. Within the cluster residential portion of the development, a fifty (50) foot buffer shall be provided along the northern property boundary adjacent to Tax IDs 743-699-2831 and 743-699-5936. Such buffer shall comply with the requirements of the Zoning Ordinance for Sections 19-520 through 19-522 but shall be exclusive of required yards. (P)
17. Landscaped Setback. Within the residential multi-family portion of the development, the required fifty (50) perimeter yard along the northern property boundary shall be planted at one and one-half times the requirements of Perimeter Landscaping C. Further, an additional twenty-five (25) foot setback shall apply to parking, buildings and drives adjacent to the southern boundary of Tax IDs 743-699-2831 and 743-699-5936. (P)
18. Road to South. A public road shall be constructed from Courthouse Road, through the property, to the northern boundary of Tax ID 744-698-3673. A maximum of five (5) private driveways that directly or indirectly serve dwelling units shall have direct access to this public road. The exact location of this road shall be approved at the time of site plan and/or tentative subdivision review. (P)
19. Virginia Condominium Act. All multi-family dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
20. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit per dwelling unit:
 - a. \$6,199.00 per dwelling unit, if paid prior to July 1, 2004. At the time of payment, the \$6,199.00 will be allocated pro-rata among the facility costs as follows: \$598.00 for parks and recreation, \$324.00 for library facilities, \$4,380.00 for roads, \$551.00 for schools, and \$346.00 for fire stations; or

- b. The amount approved by the Board of Supervisors not to exceed \$6,199.00 per dwelling unit pro-rated as set forth above and adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
 - d. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
21. Access. Direct access from the property to Courthouse Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. There shall be no direct access from the property to the adjacent fifty (50) foot wide right of way to the north. (T & P)
22. Road Improvements. Prior to the issuance of an occupancy permit, the owner/developer shall be responsible for the following:
- a. Construction of additional pavement along Courthouse Road at the approved access to provide a right turn lane;
 - b. Construction of an additional lane of pavement along Courthouse Road from the approved access to the southern property line;
 - c. Dedication, free and unrestricted, to and for the benefit of Chesterfield County of any additional right of way required for these improvements. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
23. Dedication. All roads that accommodate general traffic circulation through the development (the

"Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Prior to any site plan approval, forty (40) foot wide rights of way for the Public Roads shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to the issuance of an occupancy permit, unless otherwise approved by the Transportation Department, the Public Roads shall be constructed and approved for State acceptance. (T)

24. Restrictive Covenants. The following provisions shall be contained in restrictive covenants which shall be recorded for any single family development. Further, the following provisions in the restrictive covenants shall not be modified or amended for a period of at least twenty (20) years following recordation:

- a. No unit shall be used except for residential purposes.
- b. No accessory buildings shall be erected, placed, or permitted on the premises.
- c. No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.
- d. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of it's building permit.
- e. NO CAMPERS, HOUSE TRAILERS, OR BOATS SHALL BE PARKED on the premises, except for loading and unloading activities. No skateboard platforms and except as otherwise provided by applicable law, large dish television antennae (exceeding two feet in diameter), or television or radio towers shall be placed on the premises. No dish television antennae shall be visible from the street for the respective residence.
- f. No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet a builder to advertise the property during the construction and sales period.
- g. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household

pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.

- h. No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.
- i. Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- j. The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- k. All dwelling units shall have washer and dryer hookups.
- l. All residential dwelling units shall have an attached garage containing a minimum of 200 gross square feet. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER AN ORDINANCE AMENDMENT RELATING TO DEPARTMENT OF ENVIRONMENTAL ENGINEERING FEE CHANGE

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider an ordinance amendment relating to erosion and sediment control program administration fees.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 8-13 RELATING TO EROSION AND SEDIMENT CONTROL PROGRAM ADMINISTRATION FEES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

- (1) That Section 8-13 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 8-13. Fees.

(a) The applicant shall pay a program administration fee to the county at the time that he submits to the environmental engineer an erosion and sediment control plan. The amount of the fee shall be:

(i) For an erosion and sediment control plan for land which is 10,000 square feet or larger and not located in a proposed subdivision: \$1,360.00, plus \$60.00 for each acre of land to be disturbed.

(ii) For an erosion and sediment control plan for land which is 10,000 square feet or larger and located in a proposed subdivision: \$1,360.00, plus \$60.00 for each lot.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.B. TO CONSIDER THE APPROPRIATION OF FUNDS IN FEDERAL TITLE IV-E REVENUE MAXIMIZATION FUNDS

Mr. Hammer stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of \$576,142 in federal Title IV-E revenue maximization funds.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

Mr. Barber expressed concerns relative to the possibility of the county being required to repay the revenue maximization funds if the federal government determines the state's guidelines for use of the funds were inappropriate.

Mr. Hammer stated the county will have received a total of approximately \$2 million in revenue maximization funds with this appropriation. He further stated state and county audits have indicated that the use of the funds is appropriate. He stated Mr. Barber's concerns are valid, but he is only aware of one instance where repayment was requested because of misused funds.

On motion of Mr. Barber, seconded by Mr. Warren, the Board appropriated \$576,142 in federal Title IV-E revenue maximization funds.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.C. TO CONSIDER AN ORDINANCE AMENDMENT RELATING TO HOME OCCUPATIONS

Mr. Mike Janosik stated this date and time has been advertised for a public hearing for the Board to consider an ordinance amendment relative to home occupations. He further stated the Planning Commission recommends the adoption of ordinance amendment "A." He stated that, subsequent to the Planning Commission's review, an issue was raised by the Police Department concerning the prohibition against motor vehicle towing, indicating that operators of towing vehicles are required under county contract to respond to county towing requests within specified time limits, which generates the need for operators to park towing vehicles at their residences. He further stated staff has not identified a way to further restrict parking of tow vehicles without affecting response times to county calls; therefore, staff recommends the adoption of ordinance amendment "B" which continues to allow motor vehicle towing as a permitted home occupation subject to all restrictions pertaining to home occupations.

Discussion ensued relative to the parking of truck cabs and school buses in residential areas.

In response to Board members' concerns, Mr. Micas stated parking on the traveled portion of a road is prohibited. He further stated unless there is a safety or sight distance issue generated by a complaint, the Police Department does not respond. He further stated truck parking on private property is restricted through the zoning ordinance by weight and number of axles.

Mr. Janosik stated zoning staff enforces illegal truck parking on the premises and the Police Department does so on the street.

Mr. Miller expressed concerns that he is seeing more trucks being parked in neighborhoods.

Mr. Janosik noted that the proposed ordinance amendment would provide for better zoning enforcement.

Mr. Miller called for public comment.

Ms. Andrea Epps stated it would be valuable for tow truck drivers to have home access to get where they need to go quickly, but believes their trucks should be screened or covered.

Ms. Virginia Francis stated her neighbor has more than one tow truck, a racecar and a rollback truck on the premises, and she does not support tow trucks as a permissible home occupation.

There being no one else to speak to the issue, the public hearing was closed.

After brief discussion, on motion of Mr. King, seconded by Mrs. Humphrey, the Board remanded the ordinance relating to home occupations to the Planning Commission.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.D. TO CONSIDER THE LEASING OF COUNTY PROPERTY AT THE CHESTER WATER TANK

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider the leasing of county property at the Chester Water Tank to Nextel Communications.

Mr. Roger Hewitt, representing Nextel Communications, stated he is here to answer any questions the Board might have.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Barber, the Board approved the leasing of county property at the Chester Water Tank to Nextel Communications.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.E. TO CONSIDER THE SALE OF SURPLUS COUNTY PROPERTY ON OLD STAGE AND OSBORNE ROADS

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider the sale of surplus county property on Old Stage and Osborne Roads.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Warren, the Board accepted an offer of \$70,000 for the purchase of parcels of land on Old Stage and Osborne Roads, authorized the Chairman of the Board of Supervisors and the County Administrator to sign the deed, and appropriated the net county proceeds for the benefit of the Henricus Foundation.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

04SN0205

In Matoaca Magisterial District, THEODORE BALSAMO requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 138.7 acres fronting approximately 2,300 feet on the south line of Genito Road approximately 770 feet west of Mt. Hermon Road. Tax IDs 699-690-5223, 700-688-4363 and 701-689-Part of 1119 (Sheet 8).

Ms. Darla Orr presented a summary of Case 04SN0205 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. She further stated that, subsequent to the Planning Commission's consideration of the request, the applicant has revised Proffered Conditions 4, 19 and 20 to limit the development to a maximum of 215 dwelling units; increase the minimum lot size to 25,000 square feet for lots immediately adjacent to Genito Road and along the western property line; and reduce the transportation cash proffer because of the reduced number of dwelling units. She noted the request conforms to the Upper Swift Creek Plan. She stated staff has received seven letters and a petition with 253 signatures opposing the request.

When asked, Ms. Orr stated the request complies with the Upper Swift Creek Plan, as amended in March 2000. She further stated the 2000 amendment dealt primarily with environmental concerns relative to phosphorous runoff. She stated the 1991 Plan recommended development at 2.2 units per acre and the 2000 amendment established that 2 units per acre would be appropriate on properties that drained into the Upper Swift Creek.

Mr. Andy Scherzer, representing the applicant, stated the applicant crafted the proffered conditions to address staff and neighborhood concerns. He reiterated that the proposal complies with the current Upper Swift Creek Plan. He highlighted transportation proffered conditions including payment of the transportation cash proffer before the first house is built; retaining right of way and providing for turn lane transitions; and repaving the entire road along the property frontage. He stated the county has plans to construct a regional BMP in conjunction with Horner Park and the Clover Hill Athletic Complex in this area, and the applicant has agreed to maintain the .22 phosphorous removal requirement on-site until the BMP is constructed. He further stated the applicant has additionally agreed to maintain and enhance, if necessary, two existing ponds on the subject property as well as preserve the resource protection area along Otterdale Branch. He stated the applicant has reduced the density of the proposed development from 2 to 1.55 units per acre. He further stated the applicant has agreed to provide a 100-foot buffer in open space along Genito Road that will be monitored by the homeowners association. He stated the developer will provide public utilities for the project. He further stated capacity is available at Grange Hall Elementary School to accommodate additional students; the proposed bond referendum will provide additional middle school capacity; and Clover Hill High School's capacity issues will be remedied upon completion of the Cosby Road High School, noting that the applicant has agreed to provide the full cash proffer for schools. He stated the Upper Swift Creek Plan calls for development at the leaning edge of development, which he believes in this case is demonstrated by the existence of the park in proximity to the east and the fact that there is only one property between the Summer Lake development and the subject property; therefore, the proposal does not represent leapfrog development. He further stated the proffered conditions assure a quality development with greenway corridors; larger size homes; larger lots on the perimeter; curb and gutter; phased development which will not begin until 2006; quality foundations; and rear and side

entry garages. He requested the Board's approval of the proposed development and presented the Board with a letter from Mr. George Marshall, who farmed the subject property for several years, expressing support of the proposal.

When asked, Mr. Scherzer stated he does not know whether the restrictive covenants address the parking of tow trucks, school buses, etcetera in the development, but deed restrictions can be enhanced to include such a provision.

Mrs. Humphrey clarified that this case was filed on January 12, 2004, one month prior to her motion for the Board to defer all new zoning applications that include residential uses filed after February 11, 2004 in the Upper Swift Creek Plan for one year and two days prior to Mr. Miller's initiative, as newly elected Chairman, for the Board to address growth management in the county.

When asked, Mr. Scherzer stated the applicant will provide turning lanes for both entrances so that through movement will not be prohibited.

Mr. Miller called for public comment.

Mr. David Schultz requested that members of the audience who oppose the project stand, and approximately 60 people stood.

Ms. Lee Dillar expressed concerns that the builders are the ones who must pay the proffers negotiated by the developers; therefore, many of the builders who live in the county are being priced out of existence.

Mr. Ted Lushch referenced excerpts from the Upper Swift Creek Plan relative to phasing recommendations and expressed concerns that he believes the proposed development is very premature, indicating that the subject property is located west of the horizon line in the Phase 3 area of the Upper Swift Creek Plan. He provided data relative to population projections and housing units and stated 36 percent of the land in Phase 1 is available for zoning and 71 percent of the land in Phase 2 is available for zoning. He expressed concerns relative to safety issues on Genito Road, noting that large construction trucks will not be able to pass school buses when they come from opposite directions in this area. He expressed concerns relative to EMS response times and school overcrowding in the area, indicating that he believes a vote to approve this case is a vote to increase taxes for county residents and violates the Board's responsibility to provide for the health, safety and welfare of its residents.

Mr. Bruce Moseley stated he believes approval of the request will affect water quality in the county and also establish a very dangerous precedent. He stated although the cash proffers are generous, they represent only a small amount of what will be needed in the next five to ten years. He expressed concerns relative to delayed fire, police and EMS response times in the area of the proposed development, indicating that additional traffic will make the response times even slower. He stated he believes allowing any rezoning in the area without a firm plan to accompany the population growth would be irresponsible.

Ms. Kitty Snow expressed concerns relative to appalling conditions at Swift Creek Middle School and stated even if the bond referendum is successful, it will be a minimum of three years before a middle school is built. She further stated Grange Hall Elementary cannot accommodate trailers because it does not have public water and sewer. She stated she does not believe the 158 new students estimated to be generated by the proposed development is correct and feels the desperately needed schools should be planned for before the Board considers rezoning requests.

Mr. Bob Herndon, a resident of Skinquarter Road, expressed concerns that the current roads and bridges are not adequate to handle the additional traffic that will be generated or the construction traffic that will be required by the proposed development. He noted that several accidents involving large trucks have occurred on Otterdale and Woolridge Roads recently and stated denial of the request should be viewed as the beginning of systematic managed growth and development that places a premium on the safety, health and welfare of the county citizens.

Mr. David Webb, President of the FoxFire Homeowners Subdivision, expressed concerns that the proposal is not in compliance with the phased development section of the Upper Swift Creek Plan. He requested that the Board provide policy guidance to citizens regarding the criteria the developer must meet in order to receive the approval of the Planning staff and the Board. He stated approval of the request would appear to be inconsistent with the actions approved by the Board at the growth management meeting on June 25, 2004 regarding elimination of R-12 zoning in hot spots and increasing cash proffers to \$11,500. He expressed concerns that approval of the request will send conflicting policy signals from the Board to the citizens in the Upper Swift Creek area regarding what it means to have a plan and what conditions in the plan must be met before a development is approved.

Mr. Tom Winfree stated he supports the proposed development, indicating that he believes it will be a first-class development. He further stated jobs will be created and businesses will be patronized as a result of the project, and the development will provide positive economic development in the county. He noted the housing industry's success in the past few years has bolstered the county's economy by providing jobs and consumption of good and materials that go into the production of homes.

Ms. Kathy Kirk stated the proposal represents a unique opportunity for the Board to take action complying with the Upper Swift Creek Plan and preventing the spread of development west. She further stated the subject property is recommended for agricultural or forestal uses until either the horizon line is amended to include additional land or until Phase II is built out. She stated the Plan is currently under revision and Phase II is not built out, indicating that she believes official action must be taken to amend or revise the horizon line before taking action on the request in order to comply with the Plan recommendations or amend the line solely on the basis of public water and sewer being provided by the developer. She requested that the Board choose wisely and make its decision based on the Plan,

the current and future requirements of the community and the most appropriate use of the land at this time. She stated the horizon line was conceptualized based on population projections, density and housing units and had nothing to do with the projected locations of water or sewer lines. She further stated the Plan suggests the line can change shape if public utilities are available and growth demands the need for more land, indicating that at this time, the numbers do not substantiate a move west of the line. She read an excerpt from the Citizens' Handbook on Planning and Zoning in Madison County, Virginia and stated the Board has the authority to deny rezoning requests. She requested that the Board deny the proposed development and reduce western sprawl in the county.

Dr. Betty Hunter-Clapp, representing Hands Across the Lake, expressed concerns relative to excessive water pollution prior to and during construction and too much clearing and not enough land stabilization in the Upper Swift Creek area. She stated the poor erosion control makes sediment control in this area a serious problem and urged the Board to consider environmental issues when making a decision on this request. She further stated that, after the construction is complete, there are no measures to control hazardous materials on site. She urged the Board to deny the case.

Mr. Jim Slaughenaupt, President of Old Hundred Mill Homeowners Association, expressed concerns relative to capacity issues at Swift Creek Middle School and unsafe roads and stated the area is not ready for this development.

Ms. Mandy Wilson, a resident of Hampton Park, expressed concerns relative to health, safety and welfare issues in the Upper Swift Creek area, including school overcrowding and the need for additional bigger, better roads. She stated the Comprehensive Plan should be an implied, if not expressed, contract with current residents. She further stated the proposed development does not conform to the Upper Swift Creek Plan because the property is located in Phase III west of the horizon line. She stated the Plan states that development could occur in the Phase III area with adequate provision of public facilities demanded by new development, but these facilities do not exist. She requested that the Board deny the case.

Mr. Peter Martin expressed concerns that Mount Hermon Road cannot handle the trucks that will be generated by the proposed development and requested that the Board deny the case until the roads are in place to accommodate the increased traffic.

Mr. Nat Wooding stated he does not support the proposed development or any similar development in the Upper Swift Creek area until the road network is considerably improved.

Ms. Marleen Durfee, representing the Task Force for Responsible Growth, stated localities have the ability to manage growth and requested that the Board get serious about utilizing available growth management tools, including denying or deferring zoning cases when a plan is under revision. She further stated the Upper Swift Creek Plan recommends sequential development of land adjoining areas already developed, indicating that there is vacant

agricultural land north, south, east and west of the subject property. She stated 100 percent of the schools in the Upper Swift Creek Area are well over capacity, and one new middle school proposed for the bond referendum will not be sufficient. She noted that 92 percent of the rezoning in the Upper Swift Creek Area has been residential and expressed concerns relative to the balance between commercial and residential development called for in the Plan. She stated facilities and services are not being provided to keep up with current demand. She further stated Mr. Wayne Bass, Matoaca District Planning Commissioner, provided detailed information as to why the proposed development does not conform with the Plan and requested that the Board deny the request.

Ms. Andrea Epps expressed concerns that Grange Hall Elementary School will be overcrowded within two years and Swift Creek Middle School is "bordering insane." She stated the Plan indicates that an elementary school, a middle school and a fire station should be located on Genito Road long before development occurs beyond the horizon line and requested that the Board deny the case.

Mr. Scherzer stated staff has indicated that the proposal complies with the Upper Swift Creek Plan, indicating that the horizon line is not a precise boundary. He further stated the applicant is providing its fair share for infrastructure, as well as providing for additional improvements and phasing of development. He stated the proposal includes a lower density and many additional proffered amenities that the Rockview proposal approved in January 2004 did not include. He stated Mr. Balsamo is a small developer who lives in the county and would like the opportunity to create a quality development and requested that the Board approve the case and give him this opportunity.

There being no one else to speak to the request, the public hearing was closed.

Mr. Miller requested a ten-minute recess.

Reconvening:

In response to Mrs. Humphrey's questions, Ms. Orr stated staff's original recommendation in the Upper Swift Creek Plan was that development should occur in Phase 2 at 2.5 dwelling units per acre. She noted the 64,000 projected population was based on 2.5 dwelling units per acre and also still allowed for an additional 50 percent of land area within Phase 2 to accommodate market anomalies, indicating that 64,000 is merely a population projection used to show the concept of an orderly growth pattern and not intended to represent an exact boundary that would halt development in this area of the county as stated in the Plan. She further stated the purpose of the Plan is to promote orderly development in the area, noting that the Plan speaks to the fact that the horizon line is not an exact boundary and there can be fluctuations as public utilities are provided. She noted the proposed development complies with the Upper Swift Creek Plan, meets the densities suggested by the Plan, and provides for orderly development by providing for public

utilities, therefore not encouraging leapfrog development but more of an orderly pattern of development.

Mrs. Humphrey called forward Ms. Cynthia Owens-Bailey, Director of Planning for Chesterfield County Public Schools to answer questions regarding school issues in this area.

Ms. Cynthia Owens-Bailey confirmed that an elementary school is proposed for the November 2004 bond referendum to open in 2008 as a reliever for Grange Hall and Spring Run Elementary Schools. She also confirmed that a middle school is proposed for the bond referendum primarily as a reliever for Swift Creek Middle School. She stated the opening enrollment of the proposed new schools cannot be projected until the boundaries have been determined. She further stated the projections will also depend upon how quickly development occurs in this area of the county.

In response to Mrs. Humphrey's question, Mr. McCracken stated the cash proffer provided by the developer for transportation will be restricted to the traffic shed in this vicinity of Genito Road.

Mrs. Humphrey stated Gentio Road will have a systematic improvement process through growth and expressed concerns that Mount Hermon Road will be lost in the process even though it will be a primary connector between the Genito Road Corridor, Moseley and Midlothian. She requested that Mount Hermon Road be addressed in the revision of the Upper Swift Creek Plan as well as in a potential commercial zoning request on Midlothian Turnpike in the far western Midlothian area. She stated a genuine concern has been expressed by Moseley residents that Moseley not get lost as the Upper Swift Creek Plan is revised. She requested that staff schedule a community meeting at Mount Hermon Church around the end of September or first of October for Moseley residents to receive information and provide input for crafting revisions to the Plan. She stated that although the erosion control concerns expressed are valid, most of the property is open pasture with built-in pond mechanisms and a 100-foot buffer will be provided around the stream.

In response to Mrs. Humphrey's question, Ms. Orr stated staff has never made a recommendation to deny a zoning request based on EMS response time.

Mr. Barber inquired whether a proposed middle school will be sited east of Route 288 or in the western area of the county.

Ms. Owens-Bailey stated staff is looking at school sites generally either east of, or in the vicinity of the Route 288 Corridor.

Mr. Warren noted the urban planning knowledge level of county citizens is increasing tremendously.

In response to Mr. Warren's question regarding the location of the subject property, Mr. Turner stated it is a matter of interpretation of the Plan. He further stated the property is shown to be within Phase 3, but the Plan gives staff the discretion to determine the boundary between Phase 2 and Phase 3. He stated staff has determined in this case that with the provision of public utilities, it should be

appropriately located within Phase 2. He stated the boundary line is shown as a zigzag on the map to indicate that it is not an exact location.

Battalion Chief Michael Hatton came forward to answer questions from Mr. Warren.

Chief Hatton stated the closest fire station to the proposed development is Swift Creek Fire Station, which is located six to seven miles from the development. He further stated the department has a response goal of six minutes for fire and EMS in priority one calls in the urban corridor. He stated fire/EMS response data in the vicinity of this site indicate that response time averages 12 to 14 minutes. He further stated at this time there are no projected new fire facilities for this area through 2022. He stated it is reasonable to assume that response times could decrease significantly by 2022 if additional development continues to occur in the area.

Mr. Warren then called forward Mr. McCracken to answer questions relative to transportation issues.

Mr. McCracken stated there are no significant road improvements proposed for the Moseley area in the six-year plan. He further stated the roads in this area do not have shoulders and are in need of improvements. He stated the approximate cost for providing these improvements is \$7 million per mile. He further stated the developer is providing the turn lane and shoulder improvements for the entire road frontage and has also agreed to overlay the entire road. He stated the developer has agreed to provide \$760,000 based on the proposed density up front to address transportation improvements.

Mr. Warren expressed concerns that the developer is only providing approximately one-seventh of the total cost of improving the one-mile stretch of Genito Road. He then inquired about the number of additional students predicted for the upcoming school year.

Ms. Owens-Bailey stated approximately 1,000 additional students are anticipated this year.

In response to Mr. Warren's question, Mr. Turner estimated that approximately 2,500 new homes are being built annually.

When asked, Ms. Owens-Bailey stated an additional middle school is being proposed for 2009. She further stated she believes the proposed development will add to the already overcrowded schools.

Mr. Warren referenced a letter from Senator Stephen Martin regarding denying zoning on the basis of inadequate public facilities and inquired whether the Board can deny zoning cases based upon public health, safety and welfare issues.

Mr. Micas stated the Board has the ability to deny zoning applications if there are concerns about health, safety and welfare. He further stated the Board has wide discretion in exercising its ability to approve or not approve zoning.

Mr. Warren stated the fire/EMS response time, school overcrowding and transportation issues will worsen as a

result of the proposed development and he believes these are issues of public health, welfare and safety.

Mr. King stated those who are fortunate enough to own homes in a pristine environment such as the Moseley area might have to give up something such as better roads and EMS response times. He inquired whether modest redistricting could provide relief for school overcrowding in the Upper Swift Creek and adjacent areas for ten years.

Ms. Owens-Bailey stated ideally relief could be provided for ten years; however, it will depend upon how rapidly development continues in the area.

In response to Mr. King's question, Ms. Owens-Bailey acknowledged that school overcrowding has been an issue in the county for over 50 years now.

Mr. King expressed concerns relative to an article in the Times-Dispatch referring to how he would vote in this case, indicating that he was outraged by the untruthfulness of the article and the fact that he and Mr. Miller's integrity was questioned. He stated he believes in citizens' property rights and use of the Comprehensive Plan. He further stated it is reasonable that a zigzag line indicates discretion. He stated, as a pro-business advocate, he has taken issue with the Planning Commission and staff's recommendation on numerous occasions. He further stated, since being elected to the Board of Supervisors, he has a greater appreciation for the knowledge of staff and has great confidence in both staff and the Bermuda District Planning Commissioner, indicating that his decision will be based upon principle.

Discussion ensued relative to the opening dates for the proposed new middle schools.

Ms. Owens-Bailey stated it is her understanding the two new middle schools will begin construction in 2007 and open in 2009.

Mr. Barber requested that Ms. Owens-Bailey confirm this information with the School Board because he was under the impression that the middle schools would open sooner than 2009. He stated he tries to apply a consistent set of circumstances for all zoning cases, indicating that the Planning Commission and staff's recommendation is important as well as whether the proposal conforms to the land use plan. He further stated he consistently voted to deny the four zoning cases proposed for the deferred growth area, noting that staff has indicated that the proposed development complies with the Plan and is not located in the deferred growth area. He stated the Board has initiated review of the Upper Swift Creek Plan and deferred residential rezoning requests filed after February 2004 for one year, but this does not appear to be enough for the residents. He further stated the key to making projections is not what zoning is approved, but the number of building permits issued, indicating that growth and building permits issued has not been concentrated in one area, but very widespread throughout the county.

Mr. Warren noted the Clover Hill District has grown at half the rate of any of the other four districts in the past ten

years. He stated, although the applicant has done a wonderful job with the proposed development, he believes the proposed development is premature. He further stated, even if the proposed development is technically in compliance with the Plan, the Board can deny it on the basis of health, safety and welfare issues. He stated the roads in this area are inadequate, schools are overcrowded, borderline EMS response times are worsening, and environmental concerns exist because of the lack of a regional BMP, indicating he plans to vote to deny the request.

In response to Mr. Miller's questions, Mr. Turner stated in his interpretation of the Upper Swift Creek Plan, he sees the proposed development as orderly development facilitated by the infrastructure the county has put into place to support development in this area of the county. He further stated the cash proffers offered are in accordance with the Board's policy. He stated, in his opinion, the project has all of the necessary safeguards to protect the county's water resources, particularly the Swift Creek Reservoir.

In response to Mr. Miller's questions, Mr. McCracken stated that transportation cash proffers are in accordance with the Board's policy and adequately address the transportation needs of the county.

Mr. Miller stated he, too, was outraged that both he and Mr. King's integrity was challenged in a Times-Dispatch article regarding their decision on this case. He further stated he respects the Planning staff and sees nothing but competence in their recommendation. He stated the applicant has met every requirement of law and provided proffered conditions in accordance with the Board's policy, and he will support a motion to approve the request because there has been no persuasive evidence not to support it.

Mrs. Humphrey stressed the importance of the Moseley community's individual input into the revision of the Upper Swift Creek Plan. She stated the applicant has lowered the density of the proposed development in response to citizens' concerns and also provided \$750,000 upfront for road improvements. She further stated she appreciates staff interpreting the horizon line. She noted it is imperative that the Board be consistent in deferring zoning cases, indicating that three of the five cases that existed in the Upper Swift Creek area before the February 2004 deferral of residential zoning cases have already been approved, and it would be consistent to approve this case as well since it is consistent with the Plan, is in accordance with the Board's cash proffer policy, and has a recommendation for approval from both the Planning Commission and staff.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve Case 04SN0205 and accept the following proffered conditions:

1. The public water and wastewater systems shall be used.
(U)
2. The applicant, subdivider, or assignee(s) shall pay the following to Chesterfield County, for infrastructure improvements within the service district for the property.

- A. Prior to the time of issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the property:
 - a. if payment is made prior to July 1, 2004, \$9,000.00; or
 - b. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made.
- B. At the option of the Transportation Department exercised pursuant to proffer no. 20 below, and in lieu of the amounts set forth in proffer no. 2.A above, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements (excluding transportation) within the service district for the property:
 - a. if payment is made prior to July 1, 2004, \$5,453; or
 - b. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors not to exceed \$5,453 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made.
- C. At the option of the Transportation Department the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component, exclusive of those road improvements identified in Proffered Condition 11, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
- D. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
- E. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

3. A one hundred (100) foot buffer shall be provided along Genito Road. This buffer shall be located within recorded open space and shall comply with the requirements of the Subdivision Ordinance. (P)
4. The total number of residential dwelling units allowed on the Property shall not exceed 215 dwelling units.
5. All dwelling units shall have a minimum gross floor area of 2500 square feet. (BI & P)
6. All dwelling units that provide a garage shall employ rear or side entry garage designs. (BI & P)
7. All exposed portions of the foundation and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (BI & P)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Direct access from the property to Genito Road shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
10. In conjunction with the recordation of the initial subdivision plat, forty-five (45) feet of right of way on the south side of Genito Road, measured from the centerline of that part of Genito Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Genito Road at each approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Widening/improving the south side of Genito Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage except along the eastern part of the property that is approximately forty-five (45) feet in width;

- c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in proffer condition 11, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
12. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 11, shall be submitted to and approved by the Transportation Department. (T)
13. Public Roads shall be constructed with concrete curb and gutter, with the exception of non lot frontage roads which shall be permitted to be constructed with road side ditch. (EE)
14. At a minimum, the following restrictive covenants shall be recorded for the development.

Architectural Board - The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures, and landscaping requirements. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Association, and the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant. At such times as fifty percent (50%) of all property within subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors of the Association shall have the right to appoint a maximum of two (2) additional members. At no time shall the Architectural Board have fewer than three members nor more than five (5) members.

At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors shall appoint all members of the Architectural Board. The declarant may, at his option, delegate to the Board of Directors its right to appoint one or more members of the Architectural Board. At all times, at least one (1) member of the Architectural Board shall be a member of the Association, and at least one (1) member shall be an architect licensed to practice in the State of Virginia, who shall also be the Chairperson.

Mailboxes - Every improved lot shall be required to have a mailbox with supporting post and streetlight of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking - Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Signs - No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground - It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property, which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage - No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term "enclosed dwelling area" as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use -

- a. All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached

private garage, provided the use of such accessory building does not overcrowd the site and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building.

- b. A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.
- c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion - The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonable clean and uncluttered condition.

Screened Areas - Each lot owner shall provide a screened area to serve as a service yard and an area in which garbage receptacles, fuel tanks, similar storage receptacles, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects must be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance, and location must be approved by the Architectural Board prior to construction. Garbage receptacles and fuel tanks may be located outside of such screened area only if located underground.

Vehicle Storage - No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures - No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as

residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas - No television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot, except as permitted by applicable law and except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Association for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision - No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of subdivision. However the interpretation of the paragraph shall not prohibit the combining of two (2) or more contiguous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals - Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot. After giving a lot owner written notice of complaint and reasonable opportunity to remedy the situation, the Board of Directors may order the removal of any pet, which has been a nuisance or a danger.

Motor Bikes All Terrain Vehicles - No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting - No external lighting shall be installed or utilized on any property, which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in

the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools - No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Rules and Regulations - The Board of Directors is granted and shall have the power to promulgate rules and regulations, from time to time, governing the use of and activity upon the Common Area and the Recreational Facilities (if the Recreational Facilities are owned or leased by the Association). All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least thirty (30) days prior to their effective date.
(P)

15. The two (2) southern most existing ponds shall be retained. (EE)
16. Development on the Property shall be phased as follows:
 - a. No lots shall be recorded prior to January 1, 2006
 - b. No more than one hundred (100) lots shall be recorded prior to January 1, 2007.
 - c. No more than a cumulative total of two hundred (200) lots shall be recorded prior to January 1, 2008.
 - d. The remaining lots shall be recorded after January 1, 2008. (P)
17. The developer shall provide a trail along the length of Otterdale Branch from the eastern to western parcel boundaries. The exact length, width and treatment of the trail shall be approved by the Parks and Recreation Department. The trail shall be dedicated to the county or an easement granted to the county, or shall be owned and maintained by the Homeowners Association. (P&R)
18. Temporary sediment basins shall remain in place and/or new BMP's constructed to achieve the 0.22 phosphorous standard until the downstream regional BMP into which the development will drain has been constructed. (EE)
19. All lots shall have a minimum lot area of 15,000 square feet except that any lot immediately adjacent to Genito Road and any lot along the Western Property line adjacent to Tax ID# 698-689-6647 shall have a minimum lot area of 25,000 square feet. (P)
20. At the option of the Transportation Department, which option shall be exercised in writing no earlier than the recordation of a subdivision plat and no later than the issuance of a building permit, the applicant, subdivider, or assignee(s) shall comply with the obligations of proffer no. 2.B and, also shall either:
 - (i) pay to the County of Chesterfield the sum of

\$763,000 for transportation improvements describe below or (ii) provide the County with a bond or surety, in a form acceptable to the County Attorney, in the amount of \$763,000 that shall provide for payment of the \$763,000 to the County within thirty (30) days of written request by the Transportation Department. In either event, the \$763,000 payment shall be used by the County for the construction of Genito Road improvements within Traffic Shed No. 6. (T)

Ayes: Miller, Barber, Humphrey and King.
Nays: Warren.

18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mr. King, the Board adjourned at 11:58 p.m. until September 22, 2004 at 3:30 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman